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ONEIDA TRIBE of INDIANS of WISCONSIN

Administrative Offices • Little Bear Development Center
P.O. Box 365 • Oneida, WI 54155

*Letter to
AEO - Newton*

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U.S. EPA REGION 5
OFFICE OF REGIONAL ADMINISTRATOR

March 19, 2009

Environmental Protection Agency
Lynn Buhl Regional Administrator
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
312-886-3000
Fax 312-353-1120

Subject: Process for designating areas for the 2008 revised ozone national ambient air quality standards comments from the Oneida Tribe of Indians of Wisconsin

Dear Ms. Lynn Buhl,

Thank you for the opportunity to submit recommendations for our community membership and areas under the jurisdiction of the Oneida Tribe of Indians of Wisconsin for the revised designation of the National Ambient Air Standards for ozone. After our staff analysis of the data in the "2008 Daily Standard Nonattainment Designation Options Technical Support Document" from the Wisconsin Department of Natural Resources dated January 7, 2009, attendance at public informational meetings, the state public hearing on the subject of the revised ozone standards, and review of the Environmental Protection Agency transport classification considerations of a rural transport area we have the following concerns;

1. A unique governmental and administrative burden is created due to our political jurisdiction as an Indian Nation in which we have portions of two of Wisconsin's 72 counties located in our reservation boundaries. Unique to our situation is that the Brown County portion would be in nonattainment status and Outagamie County would be in attainment. We find this situation presents a significant burden affecting our responsibilities as a government in addressing the implementation of the Clean Air Act's two types of national air quality standards. These standards which are primary standards (considered harmful to the public health of our tribal membership) and secondary standards (considered harmful to the public welfare/environment of our jurisdictional areas) would be made even more difficult to address in that we have 2 counties, 1 city, 2 towns and 2 villages within our jurisdictional area to address the air management jurisdiction of our Tribe and our air quality program operations. The 72 Wisconsin counties are one

level of government in the state of Wisconsin as well as the 11 Tribal units of government. The development of positive and effective relationships between tribal, federal, state and local units of governments will remain a key part of future responsible partnerships to address human health and public well being.

2. The tribal membership for the Oneida Tribe of Indians of Wisconsin number 16,500 individuals whom live in 69 of Wisconsin counties and all 50 states and the District of Columbia are directly impacted by our governance. We view our responsibilities to address our Tribal membership health and public well being no matter where their geographic location.
3. In accordance with the appropriate provisions of the Clean Air Act the Oneida Tribe of Indians of Wisconsin recommends that the air management area within the jurisdiction of our exterior boundaries is designated as a unique Indian government rather than aligning with county government designations. We believe that due to the fact that parts of two counties (Brown and Outagamie Counties) are located in our jurisdiction and in one of the revised ozone options, one (Brown) is designated as nonattainment and the other as attainment (Outagamie) by the EPA. The responsibility to our Tribal membership necessitates recognition of our unique government designation that crosses normal state and local jurisdictional boundaries.

ADDITIONAL CULTURALLY APPROPRIATE ANALYSIS AND FACTORS FOR CONSIDERATION

We would like to have you consider the following in future determination of the impact of pollution activities and development on the Oneida Tribe of Indians of Wisconsin membership and jurisdictional areas;

1. The concept of cumulative impact analysis involves environmental, social and cultural impacts not always adequately covered in the environmental impact assessment and statement in the normal National Environmental Policy Act processes.
2. The concept of cultural catchment areas has a direct impact on our cultural and spiritual well being. We view that the status of our health and community well being is based on the interconnectedness of the elements of science, social, economic and cultural considerations to address our holistic health approach to our world view relationships.

Our staff can provide specific details to each of these analytical areas in your future work when addressing the human health and public well being on behalf of the Oneida Tribe of Indians of Wisconsin in our future cooperative relationships.

We look forward to a continued partnership with the unique contribution of our Indian Nation sovereignty, social and cultural principles and jurisdiction to address local, state

and national issues of public health and public well being protection, environmental stewardship and national security. We see additional opportunities and challenges in the reframing of the topic of pollution standards and addressing the interconnectedness of science, social, economic and cultural elements of a sustainable future.

In conclusion we respectfully on behalf of the Oneida Tribe of Indians of Wisconsin understand the designated area options for the revised ozone standards in the "2008 Daily Ozone Standard Nonattainment Designation Options Technical Support Document " development by the Wisconsin Department of Natural Resources dated January 7, 2009. areas. However with one of the proposed designation options of one half of our Reservation community as nonattainment (Brown County) and the other half designated as attainment by present EPA county designations we do not have confidence in addressing Tribal member health or Tribal public well being. We would recommend that the Oneida Tribe of Indians of Wisconsin Reservation be assessed as one governmental unit area rather than parts of two counties and after appropriate analysis that an Oneida Reservation designation be established in future attainment and non-attainment determinations. We find a significant burden in the development of an effective, coherent and comprehensive air quality program with the present path of county designations of attainment and nonattainment in relationship to our lands and membership.

If you have any questions regarding this recommendation and comments please contact:

Pat Pelky	Environmental Health and Safety Division Director	920-496-5358
Jeff Mears	Environmental Area Manager	920-496-5342
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Regards,



Deborah Thundercloud
General Manager
Oneida Tribe of Indians of Wisconsin